

356 10 THE 3rd Edition
EXACTIONS^{ct}
AND
IMPOSITIONS
OF
PARISH FEES

DISCOVERED.

Shewing that the common Fees demanded for performing any Office of the CHURCH, (as CHRISTENING, MARRYING, BURYING THE DEAD, &c. are contrary to Law.

Shewing what Things are tythable and what not; when tried, and where, and between whom.

With a Touch upon diverse CLERICAL, and PAROCHIAL ERRORS that are crept into the CHURCH.

And the Opinion of Sir JOHN STRANGE, (then Sollicitor General to his Majesty) on a CASE here stated.

THE SIXTH EDITION Corrected.

By FRANCIS SADLER.

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T H E

P R E F A C E.

THE Subject I have undertook may appear to some surprising and uncommon ; uncommon it is to be sure, to attack and expose the errors of a church or society of which a man is himself a member : And I must confess, I was not a little surprized to see such unwarrantable practices, in the best reformed church, daily committed with impunity ; namely, selling the offices of the church, and refusing to perform diverse offices therein, without the pretended fees being first paid ; together with such oppressive and exorbitant demands, as have occasioned abundance of people (especially the poorer sort) to complain and groan under them. This was the reason of a paper being delivered, some time ago, to the parishioners of Lambeth in Surry, relating to Parish Fees; wherein it was asserted, that “all
“ money demanded and taken by the minister,
“ or any other person, or for the minister, or for
“ any other person, for a fee, for the performing
“ any offices of the church, for the ground of
“ the church-yard, or the use of any thing be-
“ longing to the church, is simonical, and de-
“ frauding the people under the pretence of law;
“ for that there is no other dues belonging to
“ the church, but glebe, tythes, and offerings,
“ for the maintenance of the minister that hath
“ the cure of souls within the parish.

“ It

“ It being simony to demand and take money
“ for performing any office of the church; as
“ also to take money for breaking the ground of
“ the church-yard; and simoniacal to take money
“ for the use of any thing belonging to the
“ church: It making the church a market-house,
“ to take money for the use of any thing belong-
“ ing thereto. But notwithstanding it is simony
“ to take money for the performing any office
“ of the church, yet any person that hath any
“ office of the church performed, must make an
“ offering to the minister for the performing of
“ the office; but if the person that hath the of-
“ fice performed hath but a penny, and tender-
“ eth that for the office, it is a sufficient offering;
“ for there is no law or canon prescribes what
“ sum shall be offered.”

The chief motive that induced me to undertake the vindication of the aforesaid paper, was, because I had great reason to suspect there was too much oppression and fraud covered under a specious pretence of law; and having zealously opposed, and expressed an abhorrence to such vile proceedings and practices, I have been often vilified with the odious epithets of fool, knave, and what not; and some persons of distinction have taken the liberty to speak contemptibly of this undertaking, as coming from an illiterate mechanic, from whom they could expect no great share of learning, and whose judgment they might wisely presume had never been sufficiently polished by education, so as to undertake so critical a work; to them I therefore must humbly con-

fels, that notwithstanding I cannot pretend to much learning, (though a great admirer of it) yet my chief design has been to open the eyes of my fellow subjects and parishioners, especially the poorer sort, that they may not be ignorant how greatly they are imposed upon in parochial fees, (falsly so called) to be constrained to part with their properties to the clerk or sexton, who have exacted those pretended fees for the minister, and their own use.

I do not presume to assert, that what is here written is done with the utmost exactness, (for I utterly renounce infallibility) but do honestly and plainly assure the reader, that what I have written, is collected from books of unquestionable authority; having been well received both by the antient and modern divines of the established church; and although the garb they are dressed in, may appear to some too uncouth and unfit for a subject of so weighty and nice a nature, yet they will excuse it, when they consider it as coming from one in so low a station, being but a mean mechanic; yet I hope my occupation and want of time, will plead an excuse for coming short of those elegancies, which a person of more learning and leisure might have composed it with, it answering the end intended, if understood by the commonalty; and if they receive any advantage by this labour, is all I wish and desire.

If I have made any useful discoveries of what before was not so fully understood, (at least by many of the lower class) I shall esteem my time and charge well employed: yet, did I not labour
under

P R E F A C E.

under narrow circumstances, and a daily care to provide for a large family, I might have swelled this small tract into a larger volume; though I can declare with the greatest sincerity, that neither popularity nor ill-nature, were ever the motives that induced me to this undertaking; nor had this ever appeared in print, had it not been for justice sake: I therefore hope the candid reader will accept of my sincere good-will, having no other view than to prevent the church being profaned, and the people from being imposed on, by persons who assume a prerogative beyond the law, to the damage of several poor families, who, unable to stand in competition with the rulers and opulent men of their parishes, daily grone under their arbitrary proceedings.

If what I have written be sufficiently warranted by authentic authors, which its undergoing these six impressions will, I think, leave no room to doubt of, my design is justified; and for threats and detraction, I neither fear nor value them: For, if what I have asserted be false, let them smew me wherein, (which no one has yet attempted to do) or sue me as a libeller: though I could sooner pardon those who fought manfully to take away my life, than they who would basely murder my good name; being persuaded that the wounds which are given by the tongue of a slanderer, cut deeper than those that are given by the sword. And it is a great aggravation to any man, who has personal courage enough to face his greatest enemy.

I could heartily wish some more able and learned pen than mine had taken this subject in hand, there being more than a bare probability, that for one fault I have found, they would have discovered ten ; although for what I have written, I have been threatened to be torn to pieces, could it be proved to come within the verge of the law ; but that it cannot, is evident, because not only myself, but many others in diverse parts of the nation, have, by virtue of the laws here produced, opposed, and upon trial shewn, the insignificancy of orders of vestry, and tables of fees, when carried beyond due bounds : Indeed I believe some people take it for granted, that what is done by a vestry carries a sufficient sanction with it, without giving themselves any farther trouble to enquire into the legality of it ; though I have it from under the hand of one of the most able counsellors at law, that “ there is no fee to “ be paid for the ground of the church-yard, for “ any that die in the parish ; and if there were “ any thing due to the minister, it ought to be “ certain and always alike ;” and I have taken the liberty to print the same with the book, that my antagonists may see I am neither afraid nor ashamed of the opinion of so eminent a man of the law.

I have been threatned to be sued, both by the clerk and sexton, for advising the poor people to make an offering to the minister according to their ability, without complying with their exorbitant demands : and they have likewise threatened to sue those who have barely made an offering

fering to the minister for performing the offices of the church; but neither minister, churchwardens, clerk, nor sexton, separately, or in conjunction, have undertook to prosecute me, or any other, that only made an offering, although we have buried some hundreds of corpse without paying them their fees, as they call them.

And I appeal to the great God, who is the searcher of all hearts, that I did not set pen to paper either out of prejudice, passion, partiality, or interest, but with a real intent to put a stop to the profanation of the church, and the oppression of the poor. And I do solemnly declare, that I have so great a veneration for the clergy of the established church, that I should rejoice to see all our poor benefices were made sufficient to maintain the clergy, to support their dignity, as ambassadors of Christ, and men of learning. But so long as there are so many rich lay impropriators, there will be such poor vicarages; although there is a law now in force, by which it is in the power of the diocesan “to summon the impropriator, to shew cause why he doth not allow “a better maintenance to the vicar:” A very good law when put in execution; for then there might be enough to maintain the clergy without pluralities, and leave no room for the enemies of our church longer to revile us with careless non-residence, encroaching pluralities, unconscionable simony, and neglect of duty.

C A S E*.

THE Inhabitants of the parish of A. apprehend they have been very much imposed upon in respect of the fees or duties that have been paid by them for burying of the dead: It having been a common practice to sell the ground in the church-yard, wherein the dead are buried, at different prices, and frequently to ask more than was taken, which gave room to suspect that there was nothing at all due: And upon perusing some books that treat of the fees and profits, &c. which belong to the clergy, they were confirmed in that opinion; for in the clergyman's Vade mecum, pag. 261, it is expressed, that "sacraments must be administered freely, and ex officio."

And in pag. 263, it is expressed that "the priest must not demand money for reading the office of burial, or breaking up the ground; for either of those, with the canonist, are deemed direct simony."

And Sir Simon Degge, in his Parson's Counsellor, pag. 175, says, "That by the custom of England, every person (except such as therein are excepted) may be buried in the church-yard of the parish where he dies, without paying any thing for breaking up the soil."

And in pag. 189, he says, "Church-yards are consecrated ground, and participate of the privileges belonging to the church, and that the parishioners may there freely bury their dead without

*This case was laid before Sir John Strange late master of the Rolls.

“ without contradiction, or paying any thing for
“ breaking the soil.”

Therefore several of the said inhabitants have agreed to stand by and defend each other, in case they, or either of them, shall be sued or prosecuted for refusing to pay any unwarrantable or illegal fees or duties, that shall or may for the future be demanded of them for the burying their dead in the church-yard : and for that purpose have, by writing under their hands, bound themselves respectfully to each other, to bear and pay a proportionable part or share of such charge and expence that any, or either of them shall be put unto, by such suit or prosecution as aforesaid.

Q U E R Y.

Therefore, whether any, or what fees or duties are due and payable to the parson of the parish, or any other person, for burying the dead in the church-yard ?

And if any, whether the same ought not to be certain and always alike ?

This Case stated as above, was laid before Mr. Strange, late Solicitor General, who returned the following as his opinion :

“ I think every parishioner has an undoubted
“ right to be buried in the church-yard with-
“ out paying any fee for breaking of the ground ;
“ and I think it will be the same in the case of
“ an accidental death, and of one not a parish-
“ ioner : It being for the sake of the living that
“ the

“ the dead should be buried. The best way to
“ try the right to these fees, is to pay what is
“ demanded, protesting against the right, and
“ then to bring an action for money had and re-
“ ceived to the use of the party who is com-
“ pelled to pay it, who should be the executor,
“ or administrator. A variation in the fees, is
“ a strong evidence against the right, for if any
“ thing is due, it ought to be certain.”

The following **Q U E R Y** was also asked.

Whether it may be deemed unlawful for the inhabitants to enter into such agreement as afore-
said, and how the same will be construed in the
eye of the law ?

To which Mr. Strange returned for answer.

Where the question concerns all the inhabi-
tants, or a body of men, as commoners, or the
like, these agreements are not deemed illegal.

THE
EXACTIONS and IMPOSITIONS
OF
PARISH FEES,
DISCOVERED.

THE preceeding case, and printed paper, mentioned in the preface, having been misrepresented, and severely censured, by my adversaries, is the occasion of my troubling the public with the ensuing treatise; which is intended, not only as a vindication thereof, but also, to give the world a farther view into the many impositions and fraudulencies committed in most parishes, against the very letter of the law, and contrary to the opinion of divers of the ancient fathers, most approved lawyers, and even bishops themselves.

Therefore with no other view than to maintain that which is just and lawful, against that which is unjust in itself, and a great oppression on the poor; and in some degree to open the eyes of my countrymen in that which concerns almost every individual, I shall endeavour to shew, among other the following particulars.

First, The unlawfulness of taking money for the performing any office of the church, either by minister, clerk or sexton.

Secondly, What is justly and truly the minister's due.

Thirdly,

Thirdly, What is the duty of the clerk, what his office, who to chuse him, and who to pay him.

Fourthly, That the minister, or church-wardens, have no authority in selling or letting what belongs to the church, or to sell the ground of the church-yard, for burying the dead.

Fifthly, That paying for the bell, when rung for the dead, is not founded upon law : with an account for what use bells were at first instituted.

Sixthly, That a parish hath no legal power to make a table of fees : and if the clergy sue for fees, which are not due, they are liable to a pre-munire.

Seventhly, That a parish hath no legal power to raise money, but by authority of parliament, and that all money extorted from the people under the pretence of a table of fees, or an order of vestry, is no better than robbery, under the pretence of law : except the poors-rate and church-rate.

Eighthly, How the church-rate ought to be raised, and how applied when raised ; together with the practice of most parishes, in laying out their money when it is raised.

Ninthly, The duty of the people to the ministers, with respect to paying their tithes and offerings ; with a particular direction to prevent exorbitant fees and impositions in burying the dead.

Tenthly, The duty incumbent on the minister in the discharge of his function towards the people, and wherein it may be presumed there may be a deficiency ; and how far the people may

may insist on their privileges, when attempted to be incroached upon or invaded : with some hints on pluralities and non-residence.

Eleventhly, What the church-wardens are bound by oath to perform in their parishes. To which I have added an appendix concerning burying in churches, with a brief recapitulation on burial-fees.

Having thus given a succinct account of the work before me ; I shall proceed,

First, to consider the unlawfulness of taking money for the performing any office of the church, either by minister, clerk, or sexton : and shall endeavour to prove that it is contrary to the laws of both God and man. There are several passages in holy writ to evidence the truth thereof, particularly in the first book of the prophet Samuel, chap. ii. ver. 16. where it is said, that the sons of Eli took the offerings of the people by force from them, for which they were called the sons of Belial. And our blessed Saviour Christ, when he drove the money-changers out of the temple, told them, “ My house shall be
“ called of all nations the house of prayer, but
“ ye have made it a den of thieves,” Mark xi. ver. 15. And he said to his apostles, “ Freely
“ have you received, freely give :” which words plainly imply a fore-warning of them not to take any money : but it is to be feared, too many of our clergy, (in these days) look upon money as their chief good, or they would not venture to put heaven to sale, by selling the offices of the church ;

church; for daily experience sheweth us that where there is no money, there shall be no office performed.

St. Austin, and St. Gregory, held the taking of money in the church to be heresy, if not the sin against the Holy Ghost. See Parson's Counsellor, page 4.

And our own Canons of James I. say thus, "To avoid the detestable sin of simony, the buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings, is execrable before God." &c. Can. 40. And again, "No minister shall refuse or delay to christen any child, according to the form of the book of common prayer, that is brought to him to church on Sundays, or holidays, to be christened; or to bury any corpse that is brought to the church, or church-yard." Can. 68. It is the burying the dead for which there is such extravagant fees demanded, although there is none at all due, but an offering to the minister for performing the office.

It is taken for granted by most people, that those fees are a just due; and some clergymen have been so exorbitant as to threaten to sue for double fees for burying the dead; and we find a very remarkable instance in the Parson's Counsellor, pag. 155, where he tells us, that it was on account of the burying of a child, that caused the first dispute touching the king's supremacy in England: And in the acts of the church, in Hunn and Horsey's Case, it is thus related; "Hunn had a child died, for which a fee was demanded;

“ demanded ; but Hunn said the child had no-
 “ thing, and as it had nothing, nothing could
 “ be paid ; and it was their place to bury their
 “ dead : Upon which Hunn was cited into the
 “ commons for not paying, but Hunn moved it
 “ by a prohibition, to common law, and cast
 “ them ; and sued Dr. Horsey in a premunire,
 “ for demanding money where there was none
 “ due, as you may find in Kelway's Reports,
 “ pag. 182. Upon which Horsey caused Hunn
 “ to be arrested on suspicion of heresy, and com-
 “ mitted him to Lollard's Tower, the bishop of
 “ London's prison, where Horsey and the goal-
 “ er murdered Hunn.” This cause was brought
 before the parliament, and after hearing the me-
 rits therof, that august assembly made an act,
 which ascertained what should be paid for a
 mortuary for the dead, and is thus expressed,
 “ viz. to make good tythes not paid by the de-
 “ cedent when alive.” The particulars of which
 act are as follow.

1. “ That no man should pay a mortuary un-
 “ less he died possessed of goods to the value of
 “ ten marks.

2. “ That no mortuary should be paid or de-
 “ manded, but in such places where they have
 “ used to be paid or given.

3. “ That they should be paid but in one
 “ place, and that at the party's most usual place
 “ of dwelling and habitation, and there but one
 “ mortuary, and that after the rate following,
 “ viz.”

4. “ That

4. " That if the decedent, at the time of his
 " death, had in moveable goods to the value of
 " ten marks clearly, his debts first paid ; and
 " under the sum of thirty pounds, then he
 " should pay three shillings and four-pence, and
 " no more ; and this must be out of the movea-
 " ble goods, and not in chattels.

5. " That if the decedent died possessed of
 " moveables to the value of thirty pounds, and
 " under the value of forty pounds, to pay six
 " shillings and eight-pence for a mortuary, or
 " an offering for the dead.

6. " If the decedent's goods be of the value
 " of forty pounds and upwards, then to pay ten
 " shillings for a mortuary.

7. " That no married woman, child, or per-
 " son, not keeping house, should pay any mor-
 " tuary, nor a way-faring man, stat. 21. Hen.
 " VIII. chap. 6."

Note, This act was made in the times of po-
 pery and superstition, when what money was giv-
 en for burying the dead, was given to pray them
 out of purgatory.

I shall in the next place endeavour to prove,
 from authentic authors, what is justly and truly
 the minister's due.

" The profits and fruits of a parson or vicar,
 " are his glebe, tythes, and offerings, established
 " by law for the maintainance of the minister,
 " that hath the cure of souls within the parish,"
 Parson's Counsellor, page 190.

I have

I have not explained what offerings are in my former editions; in this, for the benefit of the reader, I have set forth what offerings are. There are offerings of two sorts. One is, Every person that hath an office of the church performed for him or her, must make an offering to the minister for performing the office, either for christenings, marriages, burials, churching of women, or communicants; but what shall be offered is not layed down, so that every one may offer as they please.

No money to be paid for marriage-fees, but an offering, and so of all other offerings, (except the new churches) as was adjudged between the Rev. Mr. Castleman, vicar of South-Petherton, in Somersetshire, and Mr. James Pattain, of Moretook, Trinity-Term 1753, in the Prerogative court of Canterbury.

The other offerings are Easter-offerings, which by the 2d and 3d stat. of Edw. VI. cap. 13. is tradesmens tithes; none but buyers and sellers to pay offerings by the same act. No labourer to pay personal tithes, or Easter-offerings, 2d and 3d of Edw. VI. cap. 15.

The next thing to explain is, what things are titheable, and what not titheable.

There is, in some places, a custom of paying of things in lieu of tithes, as money or other things; and where there has been a custom, time out of mind, to pay money or other things in lieu of tithe, it will bind the parson. Nowel's and Hicks's case in the King's-Bench, Mich. Term, 44 of Eliz. Cook's 2d part of Institut. pag. 653.

No tithes to be paid of houses, for they do not increase.

No tithes to be paid for stone, gravel, clay, chalk, &c. it was adjudged, Mich Term, 19 of Eliz. King's-Bench : and in Easter-Term, 34 of Eliz. common-pleas, in Litt and Watt's Case.

No tithe to be paid of after-pasture, Mich. Term, 7 of James I. Common-pleas, in Smith's case, except by custom.

No tithe to be paid of the rakings of corn, Mich. Term, 6 of James I. Common-pleas, Cook 2 Instit. 652. Neither must the tithe-man bring a rake on the farmer's land.

No tithe to be paid of roots, of coppice grubbed up : Mich. Term, 15 of Charles I. King's-bench, Skynner's Case.

No tithe to be paid of fallow lands, if eaten by barren cattle, or upon the stubble ; Easter Term, 7 of James I. Common-pleas.

No tithe to be paid for green tares, eaten by beasts of the plow, or paile ; Mich. Term, 10 of Charles I.

No tithe to be paid for underwoods employed for fencing, Hill. Term, 15 of James I. Common-pleas, Hide's and Ellis's case.

No tithe to be paid of wood cut down for hop-poles used in the parish ; White and Bickerstaff's case, Mich. Term, 15 of James I. Common-pleas.

No tithe to be paid of fewel spent in the house; Austin and Luck's case, Easter Term, 40 of Eliz. King's-bench.

No tithe to be paid of wool of sheep that die
after

after they are shorn before Easter following ; Trin. Term, 3 of Charles I. Ashton and Waller's Case, King's-bench.

No tithe to be paid for wood cut for house-boot, cart-boot, plow-boot, gate-boot, of Asp ; the parson Ramsey's case, Hill. Term, 43 of Eliz.

No tithe to be paid of loppings of timber-trees 20 years old, nor of their bark, 2 Inst. 643, more 762.

No tithe to be paid of the shutes and under-woods of trees 20 years old ; Cook, vol. 11, pag. 48.

No tithe to be paid of grafs growing upon head-lands that are only wide enough for turning the plow ; Rolls, vol. 1. p. 646.

No tithe to be paid for grafs cut in a meadow to feed the beast of the plow or pail, not made into hay ; Wells and Crawley's case, 1 of Charles I. King's-bench.

No tithe to be paid of green-peas eaten in the house ; Roll's, vol. 1, pag. 647.

No tithe to be paid for grafs eaten by a man's saddle horse ; Wild and Lamptons's case, Trin. Term, 15 of James I. King's-bench.

No tithe to be paid for grafs eaten by beast of plow, paile, or fleece ; Rolls, vol. 1. pag. 647.

No tithe to be paid of turnips eaten by beast of plow, paile, or fleece ; Colyer, vicar of Craydon in Surry, against Heathfield and Webb, in chancery, in 1743.

No tithe to be paid for wood for burning of bricks, or lime, used in the parish ; 2 Instit. 652, more 683.

No tithe to be paid of mills, for that is a man's labour: Dandridge and Johnson's case, Hill. Term, 16 of James I. King's-bench.

No tithe to be paid for fallow lands, for it is for bettering the land; 7 of James I. Easter-Term, Common-pleas.

No tithe herbage to be paid for beasts bred for the plow or paile, used in the parish; Rolls, vol. 1. pag. 646.

No tithe to be paid of marage-good, nor by day-labourers; Stat. 2. Edw. VI.

No tithe to be paid of neckings and berlins, when the farmer hath shorn and wound the other wool without fraud; Rolls, vol. 1. pag. 648.

No tithe to be paid of bees, for they are wild in their nature, except by custom, Rolls, vol. 1. pag. 651.

No tithe to be paid of wood where there is more gross or great wood than underwood, for the great wood shall discharge the small; Trin. Term, 19 of James I. Buckhurst and Newman's case, King's-bench. But if the greater part is small wood, then the small wood shall pay tithe, but not the great wood; Trin. Term, 36 of Eliz. King's-bench.

If an inn-keeper moveth his grafs, and payeth tithe of the hay, no tithe is to be paid for the herbage of guest-horses for the after-meats; Trin. Term, 16 of Charles I. King's-bench.

I will give the farmer some directions how to set out his tithes, by the statute of the 2d and 3d of Edw. VI. chap. 13. The farmer, or his man,
shall

shall set it out, and not the parson nor his man ; for if the parson, or his man, carry away the tithe, before the farmer or his man hath set out the tithe, he is a trespasser, and may be sued for the same.

If the parson will have the tithe of milk in kind, do this, get a clean tub, and when you have done milking, put the tenth measure into the tub, but give the parson notice you have set out his tithe at the milking-place or cow-house. If he doth not fetch it away, put the next milking to the old again and again ; and if he lets it stand until it stinks, then you may sue him for his letting it stand to be a nuisance. Planer and the parson of Wokingham's case, at the assizes for Berks, about the year 1720.

The case of tithes for hops hath made a great noise, and the parson of Mickelham in Surrey got the better of Mr. Tyers in the house of lords. Mr. Tyers thought by leaving the tenth pole standing for the parson, he had set out his tithe ; but he was in the wrong ; for he should have struck the poles, and cut the vine of the hops from the ground ; for neither the parson nor his man dare come on the land of the farmer to sever the crop from the ground : If Mr. Tyers had done so, I believe he would have cast the parson ; for there is no more reason the farmer should pick his hops, than the farmer should thresh his corn ; and the vine of the hops is as much the parson's as the straw of the corn ; and were the vines of the hops of value, the parson would have them.

It is my opinion that the farmer might sue th^e parson for not fetching away the vines of the tithe hops.

The farmer has no more to do than this, to plow, sow, and cut from the ground, and divide or set out the tithes justly and truly.

There is no dispute about the glebe or tithe being the minister's due, but it is the offerings that are in dispute, what; and for what they are due.

Mr. Shephard, in his Parson's Guide, pag. 4. telleth what offerings are, as followeth: "Offerings (saith he) are reckoned among personal tithes, which are such as come by men's honest labour and industry in some personal work. Those that pay tithe for lands, need pay no Easter-offerings. Oblations and obventions, were said to be such things real or personal as were offered to God and his church by testament."

Here personal tithes are called offerings, and must be as the custom of the place is. And Sir George Crook says, that "in some places servants pay the parson or vicar a small sum in the nature of an offering." Crook's reports, Vol. I. pag. 247. "If offerings be not a personal tithe, there are no personal tithes due." Bishop Stillingfleet's ecclesiastical cases, pag. 252.

That offerings for an office of the church being performed, are due, is not denied; but there is no certainty in an offering, for if a great bell be rung for the dead, then it is rated at a great price, as is the custom and practice almost in all places;

places ; as if the sound of the bell enhanced the largeness of the offering ; but Sir Simon Degge, in his Parson's Counsellor, pag. 351. saith, " there being no canon, or law, that prescribes
" any certainty in the quantity, value, or things
" to be offered, I can give them no properer
" name than voluntary or free-will offerings."

Those clergymen, who demand money for the performing any office of the church, are guilty of simony in so doing ; and in the clergyman's Vade Mecum are these words, " However, the
" opinion of those who take Easter-offerings to
" be paid for the sacrament, is less tolerable than
" that of Lynwood, for that is directly contrary to
" the intention of many ancient canons, which
" called this simony. I am sensible that the
" canonists, with their sophistry, taught the
" clergy to evade these canons, particularly by
" telling them, that though they might take no-
" thing for baptism, yet they might sell the water,
" before it was consecrated, to the parents of the
" child : And they might with as much reason
" say, that though money might not be given for
" the eucharist, yet the host, before consecra-
" tion, might be purchased by him who was to
" receive it ; but sacraments are to be administered
" freely and ex officio." pag. 264. And again he
says, " For the canon law condemns it as gross
" simony, to take or pay money for sacraments,
" or any sacred office, or breaking up the
" ground ; for either of these are, with the
" canonists, direct simony ; or refusing to per-
" form any religious office without having the
" money

“ money first paid ; this, on all occasions, they
 “ declare to be simony,” pag. 263.

Now, if there be so many laws, (as most certain there are) with what assurance can there be such demands for burying of the dead, as there are ? For, if it be simony to take money for the breaking of the ground of the church-yard, how can the clergy suffer the church-wardens to take money for the ground, which is the clergy's property ; (as I shall shew by and by.)

Concerning fees for private baptism, Shephard says, that, “ in conformity to the rubric and canon, no minister should go to a private house
 “ to baptize a child that is like to live, and use
 “ the public office of baptism in private, and expect to be recompensed for the same ; so that
 “ the pretence of being paid for his journey, is
 “ more unconscionable than to take a reward for
 “ the water ; for then he expects to be paid for
 “ acting contrary to his duty.” See Clergyman's Vade mecum, pag. 262.

So that upon the strictest inquiry into the matter, it will be found, there are no dues belonging to the church but glebes, tithes, and offerings ; and that all other demands of money is extortion, and defrauding the people under the pretence of law.

In the next place I shall shew the duty of the clerk : what his office is, and who are to chuse him, and by whom he is to be paid.

The clerk's duty in the first place is, “ To
 “ attend the minister at divine service, and to
 “ keep the seats and church clean ; and for that
 “ purpose

“ purpose to have in his custody the keys of the
“ church, to ring to prayers, and to do other
“ offices pertaining to the church.” Parson’s
Counsellor, pag. 184.

Bishop Stillingfleet, in his ecclesiastical cases, saith, “ There were of old several clerks belonging to the church, and they were all maintained by the minister at his own charge,” pag. 131, 132. Now, if the minister is obliged to maintain the clerk, I would gladly know by what law the clerk can demand a fee, (as has been too commonly practised) for the office of any part of the church, who neither doth, nor dare presume to perform any office of the church; and therefore can claim no more right to a fee for any office of the church being performed, than a highwayman can to the money he takes by robbery. I will take the liberty to ask such mercenaries one question, viz. If the law will punish a man for doing a thing, can any man think that he, who is punishable for doing that thing, has any right to be paid for the thing being done? The parallel holds good with relation to the clerk, for he dares not perform any office in the church; and if he is not allowed to perform, how can he have any thing due? That there is nothing due, I have shewn, by shewing what his office is, and who is to pay him.

I proceed to shew in the next place, who is to chuse him. By canon 91, he is to be chosen by the minister; but by the book 3 Edw. III. Annuities 40, he is chosen by the parishioners: And in Mr. Hughes’s Parson’s Law, are these words,
“ The parish clerk is an officer in the church
“ too,

“ too, but he is most commonly a layman, and
 “ no ecclesiastical person, and his office is a lay-
 “ office; and therefore is to be chosen by the
 “ parishioners, and not by the parson or vicar
 “ alone; and he is removeable upon cause, from
 “ his office, at their will and pleasure, as appears
 “ by the book of the 3 Edw. III. Annuitis 40.”
 These are the words of Mr, Hughes in his Parson’s
 Law, pag. 115. And by the lord chief justice Coke,
 and the whole court, it was adjudged, That the
 canon was against the common-law in Cundit’s
 and Plumer’s case; for so is the book 8 affi.
 James I. “ And my lord Coke ordered an infor-
 “ mation to be drawn against the spiritual court,
 “ for holding plea of a thing which was merely
 “ lay,” 8 affi. 29. Thus I have shewn what
 the clerk’s office is, and who is to chuse him; but
 if the parishioners chuse him, they are obliged to
 pay him by the year. 3 Edw. III. Ann. 40.

I shall now proceed to set forth what preroga-
 tive the church-wardens have to let out the
 church-ornaments for money; or by what autho-
 rity they take money for the ground of the church-
 yard, or letting of the bell, and obliging people
 to pay for the use of it, when rung for the
 dead.

I would not be suspected to lay any imputation
 upon church-wardens for taking of the money,
 since they are empowered to take it by order of
 vestry, (which is taken for granted by the com-
 monalty to be a legal authority :) But although
 it is contrary to law, and consequently unjustly
 taken,

taken, as bearing no sanction from the law; yet it is very orderly brought to the parish accompts, without the least hesitation or scruple of wrong done by imposing upon the parishioners; therefore I shall, by and by, shew what power a vestry hath to raise money, and for what; and how it ought to be applied when raised. In the meantime I shall set forth by what authority the churchwardens sell the ground of the church-yard, which is the minister's freehold, though the fee-simple is not in him; therefore he has no power to put to sale the ground of the church-yard, on no account whatsoever; for it is simony to make sale of any thing belonging to the church. The minister has no right to sell; for although the freehold is in him, the fee-simple is not in him; and no man can sell that hath not the fee-simple in him. That the minister is not invested with the fee-simple, is plain from the famous lawyer Coke, viz.

“ It was provided by the wisdom and policy of
“ the law, that the parson or vicar who hath the
“ cure of souls, and are bound to celebrate divine service, and administer the sacraments,
“ might have somewhat to live upon; and therefore the law provided, That the fee-simple of
“ the glebe should be out of them;” Coke upon Littleton. pag. 341. For, “ if the fee-simple
“ was in the minister, then he might sell, and
“ so leave his successor nothing to live upon:
“ But the freehold is in him without doubt, and
“ the fee-simple in the patron; but the parson
“ himself, (as I said before) hath the freehold in
“ him,

“ him, as also the right of the church and
 “ church-yard.” Parson’s Law, chap. 21. pag.
 33, “ The church-yard therefore is a common
 “ burying-place for the parishioners, although
 “ the freehold be in the incumbent.” Clergy-
 man’s Vade mecum, pag. 19. “ The freehold of
 “ the whole church and church-yard are in the
 “ parson or rector.” Parson’s Counsellor, pag.
 162. and by Stat. 11. Hen. IV. 12. and 21. Hen.
 VII. 21. The freehold of the church and church-
 yard is the minister’s.

I shall now consider what power the church-
 wardens have to sell the ground of the church-
 yard.

As the freehold is proved to be in the mini-
 ster, what prerogative have the church-wardens
 to sell the freehold of the minister? And by
 what authority do they make the people pay for
 burying of the dead in the ground they have no
 property in? Therefore those church-wardens
 that demand and take money for the ground of
 the church-yard, and know it to be the minister’s
 freehold, defraud and rob the people under the
 pretence of law, although the minister is the
 greatest aggressor, who knows that the church-
 yard is his property, and will suffer it to be sold :
 Therefore the minister that selleth the ground of
 the church-yard, or suffereth it to be sold, is guilty
 of simony ; and I am persuaded there are few
 or none of our clergy can plead ignorance on that
 score.

Again, though the freehold be in the minister,
 the parishioners may bury the dead without leave
 of

of the minister or church-wardens, or paying for the ground. But what seems to give it a sanction, is its being done by order of vestry, and therefore must be law : wherefore I think it incumbent upon all ministers to acquaint the parishioners, that it is out of the power of a vestry, or even himself, to take money for the ground of the church-yard. Such illegal and irregular proceedings have often proved a sore grievance to poor people, who have been often constrained to pawn and sell that which they could never be able to redeem again, by being compelled to pay for the ground to bury their dead in. And I am persuaded, had such mercenary vile proceedings been practised when Christ was upon earth, he would have driven out all such persons among the number of money-changers, that buy and sell within the church. Sir Simon Degg, in his Parson's Counsellor, saith, that the church-yard is free; these are his words, "It is consecrated ground, and participates of the privileges belonging to the church beforementioned, and the parishioners may there bury their dead without contradiction, or paying any thing for breaking the soil," pag. 184.

Now with what pretence can money be demanded for breaking the ground, as is customary in almost all places, especially in and about London? Must the long continuance, and pleading custom for such arbitrary proceedings, pass for law? Or is it because the clerk or sexton keeps an office, where you are obliged to go and pay your money before-hand, or otherwise you may keep

keep your dead above ground for them? When at the same time there is no more occasion to pay for the ground; than to pay money to a highwayman for letting you pass along the road.

The next thing that comes under consideration is the paying for the bell when rung for the dead; a practice in all parishes; begun at first by an order of vestry, but not being founded upon any law, is not obligatory, but ought to be looked upon as a meer artifice to extort money from the people: For what power can a vestry have to make a law, who have no power to raise money to maintain their own poor of themselves? (as I shall shew hereafter.) However by virtue of their authority, you must pay for the use of the bell; and if you will not pay for the ringing of the bell, I dare venture to give it under my hand, you will have no bell rung; though at the same time, I assure you, it is at your own option whether you will have a bell rung or not; and if rung, whether you will pay or not. It is apparent that dissenters have no bell rung for them, by reason it is the practice in all places, (according to parish law) that if you have a bell rung, you are obliged to pay the parson and clerk their fees, as they call them, whether they bury the corpse or not; as if the ringing of the bell entitled them to an offering, as much as if they had performed an office of the church; but sure I am, where there is no office performed, there is no offering due, (except Easter offering.)

Let us now see what the law says touching the bell being rung for the dead, and to whom the
the

the bells belong, and upon what account they may be used : By our canon law, a bell shall be rung for any person dying; or to be buried; the canon runs thus, “ When any person is dangerously sick in any parish, the minister or curate having notice thereof, shall resort unto him or her (if the disease be not known, or probably suspected to be infectious) to instruct and comfort them in their distress; and when they are passing out of this life, a bell shall be tolled, and the minister shall not then slack to do his last duty; and after the party’s death (if it so fall out) there shall be rung no more than one short peal, and another before the burial, and one after the burial,” Canon 67. Here is no mention made of paying for the use of the bell, but that a bell shall be rung, which implies a positive command for the doing of it, whether paid for or not; and besides, if it were lawful to let out any of the church ornaments for money, it would be the parishioners due to have it, for “ the bells and the rest of the church-ornaments are the parishioners, in the hands of the church-wardens,” Parson’s Counsellor, pag. 177. Unless we may be allowed to suppose it lawful to make the house of God a house of merchandize, (which is expressly prohibited both by divine and human law.) There is no reason, neither law, that a man shall pay for the use of his own; for all the ornaments of the church are as much one man’s as another’s; and no man is indebted to another for the use of his own,

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In short the principal use of the bell is to be rung for the dead, and to give notice when divine service is going to begin, which is all the use for which bells were at first instituted ; but are now often appointed to be rung on rejoicing days, and for pleasure ; although in most christian countries they are dedicated to God before they are put up in churches, as all other ornaments for the service of the church ; and the church itself must be dedicated before divine service can be performed in it ; for if there is sin committed either in the church or church-yard, the church must be re-consecrated. “ There shall be no
 “ fairs nor markets in the church or church-
 “ yard, nor mustering of soldiers,” according to the canon, which farther says, that “ the church-
 “ wardens, and their assistants, shall suffer no
 “ plays, feasts, banquets, suppers, church-ales,
 “ drinking, temporal courts, or leets, lay-juries,
 “ musters, or any other profane usage in the
 “ church, chapel, or church-yard,” Canon 88. And Sir Simon Degg, in his Parson’s Counsellor, pag. 162. says, that “ by the council of Nice it
 “ was decreed, that if any murder, adultery,
 “ or fornication is committed, or the church
 “ burnt, or the altar removed, the church must
 “ be re-consecrated.”

It is a great indignity to our established church to be reproached by the kirk of Scotland, whose ministers are content to live upon their tithes and dues, without putting to sale the word of God, for they have nothing for the performance of any
 office

office of the church, neither do they sell the ground of the church-yard, or take money for the use of any thing belonging to the church.

It is now time to consider what authority a parish hath to make tables of fees (as they are called) which is done in most parishes; and to give it a sanction (the better to impose upon the ignorant) they are carried to Doctor's Commons, and there filed up as law; and the canonists are become so condescending that they will allow of taking money in the church, though their law expressly says, none shall be taken. But we have too often found right and wrong confounded and sunk by sophistical terms and distinctions among the logicians.

It certainly is not in the power of any court of judicature to make a law, for "no law can be made
"but by the three estates assembled in parliament."
And I remember when some gentlemen were accused before the House of Commons of being abettors in a riot, they were committed to the Gatehouse by order of that august assembly; whereupon they moved the court of King's-Bench to be admitted to bail, when that impartial judge the lord chief justice Holt, with an undaunted courage said, that "he valued not a vote of the
"House of Commons, nor a vote of the House of
"Lords, nor an order in council; when it passed
"into a law, he would obey it, till then it was
"no law, and that those gentlemen were bailable
"by the laws of England." If the king, lords, and judges together, without the House of Commons, (whose sole prerogative it is to give money) can-

not make a law, how much less dare a vestry, who, are often composed of illiterate tradesmen, when, met together, assume a power of making laws to raise money, (and that perhaps to be told over a grid-iron) when "all grants of lands and hereditaments made in trust to the use of the church-wardens, (though but for a term of years) is void, because they are no corporation?" Stat. 23. H. VIII. ch. 10. Church-wardens can receive "no lands, nor let leases." Coke upon Littleton, pag. 3. And if they are not impowered to receive lands, how can they sue for money they pretend to raise? which are both contrary to law; for they cannot sue for money for the maintenance of the poor, till signed by the bench of justices, much less sue for money in these other cases of their own authority and power.

It is forbid by the laws of God and man to raise money of things within the church, consecrated and dedicated to God. Mr. Hughes, in his Parson's Law, says, that "the Parishioners cannot sue the church-wardens, that hath any ways wasted the church-goods, for there is no law to help them," Parson's Law, pag. 115.

Thus far, I presume, I have made appear that a vestry hath no power to raise money by a table of fees, otherwise called surplice fees; and I refer the reader likewise to that great and remarkable cause in the fifth year of the reign of James I. in the case of customs, subsidies, and imposts, wherein, upon judgment given in the exchequer, when the judges were all summoned to consult on the same, Popham, chief justice of the king's-

King's-bench, and Coke, chief justice of the Common-pleas, gave their judgment as followeth, that "the rule of the common law is the people's register; also another rule, that the king may charge his people to a thing which may be their good but not to their charge, Stat. 13. Hen. IV. 16. and by Magna Charta, which hath been confirmed thirty times, none shall be taxed but by parliament; and of long time it hath been used by parliament to grant to kings, at the beginning of their reign, certain subsidies of tonnage and and poundage, for term of life, which began the second and third of Hen. V. and the thirty-second of Hen. VI. cap. 8. and 12. Edw. IV. cap. 3. by which it plainly appears, none but the parliament can impose any thing on the subjects, in any case whatsoever," Coke's Reports, vol. 12. in the case of customs, subsidies, and imposts.

I shall in the next place shew wherein, and in what respect the laity have an advantage of the clergy, viz. If the common people sue for that which is not their due, they only pay the damage and costs; but if the clergy sue, (in many cases) they may incur a premunire, and are thereby deemed enemies to the king and country, and put themselves out of the protection of the law.

This act of premunire was made to put a stop to the power of the pope and clergy in the times of Rich. II. for they were before that for getting all into their own hands, for which cause this act was made to hinder them; for by the act of

premunire "they forfeit all their goods and lands,
 "and are to be imprisoned when this act is found
 "in force against them:" And this act lies against
 them "when they sue for tithes in the ecclesi-
 "astical court, when they have been set out from
 "the nine parts, for then they should sue for the
 "carrying them away at common law, and not
 "in court christian; and so of a mortuary, if de-
 "livered and retaken; or an ecclesiastical judge,
 "if he decide that by civil law which belongeth
 "to common law," bishop of Norwich's case,
 25 of Hen. VIII. Coke's Reports, vol. 12. case
 of premunire.

If the parson sue for a fee for the performing
 any office of the church, as christening, marry-
 ing, burying, or churching of women, if you
 first make your offering to him for the same, it
 is sufficient, for there is no other due; and if the
 parson sue you for a fee when you have made
 your offering, you may sue him in a premunire,
 as in Hunn and Horsey's case, Kelway's Reports,
 pag. 118. Thus you may see how they stand.

The breach of an act of parliament, that is in
 force, is punishable; for it is the breaking of the
 laws: and any man that is aiding and assisting in
 raising money without authority of parliament,
 is guilty of a misprision of treason, and may be
 indicted in any of his majesty's courts for the
 same, by any person whatsoever; therefore let
 all men have a special regard to what they are
 about, when they assume a prerogative of raising
 money by the power of a vestry; for if it were in
 the power of one man to tax another, we should
 soon

soon sink under the burden of imposts and taxes ; and who knows what may be done with the money they raise ? For, if it were in the power of two or three to raise money, they might perhaps put it into their own pockets, or apply it to worse purposes, by raising a rebellion, or maintaining a litigious law-suit, to keep the right owner out of his property, who is not able to stand in competition with them ; and we, by tamely submitting to tyrannical and arbitrary exactions, may be opening a door for future inconveniences, by having the necks of our posterity galled with a yoke that may at length be too insupportable for them to bear ; to prevent which ought to be the study of every considerate man : but to clear up this head, and render the matter unanswerable, there is an express act of parliament, that none shall raise money but the parliament alone, by the petition of right, 3 of Charles I. “ None shall be compelled to make
“ or yield any gift, loan, benevolence, tax or
“ such like charge, without consent, by act of
“ parliament : and upon refusal so to do, shall
“ not be called to make answer, to take any
“ oath, not warranted by law, give attendance,
“ or be confined, or otherwise molested concern-
“ ing the same, nor for refusal thereof, shall
“ any freeman be imprisoned or detained with-
“ out cause shewed.” Stat. 3. Charles I. cap. 1.

Thus having shewn in what respects they cannot raise money, I shall now proceed to shew how far their power reacheth to raise money.

The mending the highways, by law, they
C 3 may

may raise money for, but not by the power of a vestry. The poors-rate is out of the power of a vestry to raise, though they are bound to maintain them; for the poors-rate is raised by authority of parliament, and not by the power of a vestry: The vestry may take it under their consideration what sum of money will suffice to maintain their poor for two or three months, or longer, though by law it should be raised weekly; but they cannot, by their own authority, raise one farthing, without its being signed by two justices at least, and one of them to be of the quorum, as appears by Stat. 43. Eliz. ch. 2. The vestry are authorized by a statute of George I. "to build
 " a work-house to keep the poor in, for the better
 " conveniency of setting them to work."

Thus have I shewn, what money is raised by authority of the legislature, and what raised contrary to law; I am now to consider in what farther respects a vestry hath power to raise money; which are only these following, viz.

For the repair of the church, the fences of the church-yard, and church-ornaments; for it is the positive law of the land, that "each individual parish shall maintain their parish-church,
 " and keep up their church-ornaments; and the
 " money that is raised for the repairs of the
 " church, the fences of the church-yard, or the
 " repairs of books, surplices, bells, or any other
 " of the church-ornaments, must be raised in
 " manner following, viz.

" The Sunday before the church-wardens design to make a levy, they are to give public
 " notice

“ notice in the parish church, immediately after
“ divine service, of the time and place designed
“ for making the intended levy; and then at the
“ time and place appointed, the church-war-
“ dens and parishioners there met, are to con-
“ sider what sum of money will be necessary to
“ be raised for such repairs as shall be then need-
“ ful; and afterwards the church-wardens; or
“ the major part there present, are to proceed
“ to make an equal levy upon all the land-hold-
“ ers, and parishioners in the parish;” Coke’s
Reports, vol. 5. pag. 67. But even this is not
raised by their sole power alone, but by the sta-
tute of *Circumspecte Agatis*, that obligeth the
parishioners to maintain the church.

Upon the whole matter, there can be no mo-
ney legally raised, but by authority of parlia-
ment; and all money that is raised, for which
there is no act of parliament, deserves no other
appellation, than a felonious imposition under the
pretence of law, and is no better than robbery :
indeed money raised for the repairs of bridges,
country-gaols, and money lost by robbery be-
tween sun and sun, is lawful to sue for, and has
the parliament’s assent to ratify it.

I now come to the last thing proposed, which
is a custom in most parishes, and in the practice
of most church-wardens, to wit, The laying out
what money they think fit, and obliging the pa-
rishioners to repay them, whereby there is often
a great deal of money raised, and little work
done; and if any parishioner is inquisitive to
know what is done with the money, it is ten to

One but he is stigmatized with some opprobrious names, and counted an ignorant and impertinent blockhead ; and they look upon it as a great condescension in them, if they admit you to a sight of the bricklayers and carpenters bills, so that of course, all must be right then ; as if a receipt for twenty pounds was not as easily given as a receipt for ten pounds ; which it is to be feared is too common a practice in some parishes, or there could never be so much money raised every year for so little work done.

It is also certain, that the church-wardens cannot proceed alone to the repairs of a church ; for if they lay out any money of their own accord, the parishioners may refuse to repay them, although they have had notice from the visitors in their visitation to repair the church, “ but must “ compel the parishioners to do it by ecclesiastical censures,” Hetley’s Reports, pag. 61.

Thus I have given a short specimen, how the church-rates must be raised, and that the church-wardens cannot proceed alone, and by virtue of their own authority. I shall conclude this head with this assertion, that “ all money spent at vestry meetings by parish-officers is unjust and illegal ;” for when any number of people, who pretend to negotiate the parish affairs, shall meet together only to regale themselves at the parish expence, it is mispending of money which they have no right to, and the highest imposition on their fellow-parishioners.

Having shewn the power of a vestry in raising money, and how much people are imposed upon by

by the craft of parish-officers, I come now to consider the sacredness of the church and church-yard, that it should not be prophaned; for “ if
“ murder or adultery be committed in the
“ church or church-yard, or a church new
“ built, it must be re-consecrated :” Though I confess, I have heard of a church re-built, and not re-consecrated. The church and church-yard are held so sacred, “ that if one man strikes ano-
“ ther, or shall draw any weapon in the church
“ or church-yard, with an intent to strike, shall
“ have one of his ears cut off; but if he hath no
“ ears, then to be marked in the cheek with a
“ hot iron, with the letter F, and to be excom-
“ municated.” Stat. 5. Edw. VI. cap. 4.

I now come in the succeeding part of this treatise, first, to shew the duty of the people to their minister, and the indispensable obligation they lie under to make their offering to him: the manner of performing their offering, and for what.

2. I shall likewise shew, what is incumbent on the minister to the discharge of his function towards the people, and wherein it is presumed there may be a deficiency, (not that I pretend to prescribe rules to my guides and directors, that would be looked upon to correct the magnificent) but my design is only to direct the meaner sort, how far they may insist upon their privileges, when attempted to be incroached upon or invaded.

3. I shall set forth the obligation of church-wardens, and what they are bound to perform in the discharge and execution of their office, by

virtue of our solemn oath they take, and not to flatter themselves (as it is to be feared too many have done) that they have discharged their duty, and their consciences, by drawing up a stated form of the parish, "All is well," and presenting it at the visitation; when perhaps at the same time, upon enquiry, the most material articles are concealed, if not buried in oblivion.

In the first place I am to shew the duty of the people to their minister, and how and in what manner they are to make their offerings to him.

The people's duty to the minister is, at all times, to honour him as God's vicegerent, commissioned by the Almighty to take care of their souls: and therefore they are strictly forbidden to withhold their tithes from him; and tradesmen are obliged to make their offerings to him at Easter, for their personal tithes; and if they have any office of the church performed for them, they must make their offering according to their ability; for all persons are bound to make an offering, if they have any office performed for them, as appears by that most profound gentleman of the long robe, Sir Simon Degge to be the law of England; who, in his Parson's Counsellor, says, that "upon the whole matter
 " it appears, there were some offerings free and
 " voluntary, which the parishioners, and others
 " were not bound to perform, but at liberty;
 " there were others, by custom, certain and obligatory, as those for marriages, christenings,
 " churching of women, and burials," pag. 344.
 And again, he says, " These offerings which
 " were

“ were free and voluntary, are now vanished,
“ and are not comprehended within this law;
“ but those that were customary and certain, as
“ for communicants, marriages, christenings,
“ churching of women, and burials, are con-
“ firmed to the parish-priest, vicars, and cu-
“ rates,” pag. 345.

In the clergyman's *Vade Mecum*, it is thus expressed, “ Offerings are occasional upon church-
“ ing, marrying, and burials,” pag. 258.

I would not be understood, by my saying that offerings are certain and obligatory, that therefore it is certain how much shall be paid; no, it is only certain that an offering shall be made, but not certain what shall be offered, as I have shewn before: And I here challenge any man to prove, that there are any fees due for performing any office of the church, otherwise than an offering; for it is simony to demand or take money for the performing any office of the church, in any other manner than as an offering, as I have more fully proved in some other part of this book.

Having shewn that offerings are lawful, and that the minister may take whatever is given to him as an offering, be it more or less, and must be content with what is offered him; I shall now proceed to shew the manner of making an offering, when any office of the church is performed: If it is for marrying, they are bound to make their offering to the minister then present, and the same likewise for churching, or for receiving of the communion, or for christenings,

As

As touching the burial of the dead, and to prevent exorbitant fees and impositions in that case, I have collected the following rules, as a sure guide in an erring age ; and if possible, to prevent for the future all illegal exactions and impositions demanded by the subordinate officers of the church, which have given great distaste to persons of all denominations, and in particular to the dissenters from our present happy establishment, who have presumed to traduce the whole hierarchy, for faults committed by some of the mercenary under-graduates of the church, who are only answerable for the same, and the church in no ways to be blamed, on account of such treacherous backsliding members of it : Therefore, when you have any corps to bury, go or send to the minister of the parish, (not to his curate) and give him notice, what day, and what time of the day, or evening ; you will come with your corps to the church, (for if you are desirous to carry them into the church you may if you please) for the rubric of the church says, The minister shall meet the corpse at the church-porch, (see the rubric concerning the burial of the dead) which plainly implies, the corps may be carried into the church ? for what shall they do at the church-porch, if they may not go into the church ? And when you have buried your corps, make your offering to the parson that performed the office, whether it be the minister or not ; but if the minister is a non-resident, (as it is to be feared there are too many such) then go to his curate, and give him timely notice of the day, and time, you will bury
the

the corps ; for where you only to give the clerk or sexton notice, and not the minister, you might then perhaps not have your dead buried at all ; and the minister might urge it as a plea in excuse, that he was not acquainted with the matter, and so guard himself within the law ; but when you have given a previous notice, if he be within your parish, (for all parishes are alike) then he can have no pretence to excuse himself : And if he be not a non-resident, or out of town, then give his curate the same notice : then there can be no room for evasion, but must lay themselves open to the law, if they refuse to bury the dead. As for the grave, you may dig it in what part of the church-yard you please, provided you disturb no other corps. I confess, there is an order of vestry in some places, that would give us to understand, that one part of the church-yard is three times as dear as another : But I hope I have sufficiently proved already, that the church-yard is not to be sold, to keep the rich and the poor assunder, as if there were a difference in their dust ; I would gladly be resolved, upon what account this distinction is made ; sure it is not in respect of our birth, for we have all Adam for our father on earth, and God in heaven ; and we are altogether commanded to say, " Our Father which art in heaven ; " it is not in respect of our souls, for the price of our redemption is all alike ; nor in respect of our bodies, for the prince is made of no better dust than the peasant, nor the bishop than the sexton ; nor in respect of the understanding, for many servants know
more

more than their masters.—But to return to the grave, at which place make your offering, and take care when you do, that you make it to the parson that performed the office, or to the minister of the parish, and not to the clerk or sexton; that the minister may have no occasion to say, he knew nothing of the matter; lest by such false steps and irregular proceedings, you bring yourself into trouble, for not making your offering as you ought, and as becometh you to do to your minister.

I have already shewn that there is no certainty in an offering, but the sum entirely at your own option; for the widow that put in her two mites, it was as much from her, or more, than from those who cast a great deal into the treasury out of their abundance.

Having thus far set forth the duty of the people to their minister, and the indispensable obligation they lie under to make their offering to him; the manner of performing their offering, and for what; I come now to consider, what is incumbent on the minister, in the discharge of his function towards the people; and when he may be suspected to be supine and negligent therein.

Padro Paulo, in his history of the council of Trent, as I find it in the English translation, observes, that “in the first seven hundred years
“after Christ, there was not such a thing in
“the western church, that any man should have
“an office or title in the church, and not do
the duty,” pag. 217. “And the greatest
“part

“part of the prelates there in that council, held
“that residence was Juro Divino,” pag. 486.
What shall we say then to those who leave the
care of the souls of their parishoners to an hire-
ling, and that for six months together, and some-
times longer? Sir Simon Degge, in his Parson’s
Counsellor, observes, that “the Commons of
“England often complained against pluralities,
“and non-residence; and in the parliament
“held the second Hen. IV. the commons
“prayed that all such as procured from Rome
“ (for in those days they came from Rome) any
“ bulls for pluralities and non residence, should
“ incur the pain of Provisos,” pag. 76. And
“ in a parliament held the 8th of Hen. IV.
“ the commons petitioned that the king might
“ have a moiety of the profits of all benefices,
“ where the incumbent was non-resident.” Ibid.
“ The like was prayed in the parliament of the
“ 9th of Hen. IV. In the parliament of 4th Hen.
“ VI. it was prayed by the commons, That all
“ parsons, vicars, and others, having cures, and
“ not being resident thereupon, should for-
“ feit their benefices, the one half to the king,
“ and the other to the patron.” Ibid. “ And in
“ the parliament the said year, the commons
“ prayed, that for non-residence of the incum-
“ bent, the patron might present a new clerk,
“ and great reason in my judgment,” pag. 77.
There is also an act of Hen. VIII. against
non-residence, wherein it is thus expressed, “That
“ as well every spiritual person then being pro-
“ moted to an arch-deaconry, deanry, or digni-
“ ty,

“ ty, in any monastery or cathedral, or other
 “ church, conventicle, or collegiate, or being
 “ beneficed with any parsonage or vicarage, as all
 “ and every spiritual person, which then after
 “ shall be promoted to any of the said dignities
 “ or benefices, with any parsonage or vicarage,
 “ from the feast of St. Michael, then next fol-
 “ lowing, should be personal resident, and abid-
 “ ing in, or at upon the said dignity, prebend,
 “ or benefice, or one of them at least; and that
 “ if any such person wilfully absented themselves
 “ from the said benefice, &c. by the space of a
 “ month at one time, or two months at several
 “ times in one year, to be accounted at several
 “ times, that such person so absenting himself,
 “ should forfeit ten pounds for every such de-
 “ fault, the one half to the king, and the other
 “ half to the informer, to be recovered as the
 “ act expresses; that if any person should pro-
 “ cure any dispensation from Rome, or else-
 “ where, to be non-residents, the party guilty,
 “ should forfeit twenty pounds, Stat. 21. Hen.
 “ VIII. chap. 13.

The observations of Sir Simon Degge upon this
 statute are, that, “ by this and other statutes
 “ mentioned in this book, it is evident that the
 “ parliament of England, even when the pope
 “ was in full power, often made bold with his
 “ holiness to correct his and his courts corrup-
 “ tion. This was certainly an excellent law, if
 “ there had been no more in it; but the dispen-
 “ sing with such persons, as by the same law
 “ are qualified for two livings, and the persons
 capable

“capable to qualify chaplains to have pluralities
 “had not grown so numerous, insomuch that
 “there are but few of the best livings, but what
 “are held by plurality, and they either under
 “pretence of attending their lords, their dean-
 “ries and prebends, find an excuse to be non-
 “resident, which has made this law of little
 “effect, nay, I wish I could not say, that we
 “are now in a worse condition than before the
 “making of this act, for dispensations (as all
 “other things from Rome) were chargeable and
 “costly, as being far fetched and coming slow-
 “ly; that I presume there are ten dispensations
 “for pluralities now for one then; and few of
 “these dispended with were non-residents upon
 “both livings as now they be; two great pa-
 “rishes, in many places, being left to the care
 “of two boys that came the other day from
 “school, perhaps fitter to be there still; whilst
 “the shepherd, that takes the fleece, feasts it
 “out in his lord’s family, or takes his ease upon
 “a prebend or deanry;” pag. 78 and 79.

How near such practices may be said to come
 up to that old proverb of “kindling a torch at
 “Jupiter’s altar, and robbing the church by the
 “light of it,” I leave the reader to judge.

“A bishop may be compelled hereunto by
 “ecclesiastical censures by their superiors, and
 “the king may compel them by seizing their
 “temporalities; a notable president whereof we
 “have in the time of Hen. III. when popery
 “was at the highest, and the king was not look-
 “ed upon as head of the church, yet that king

“ sent his writ Mandatory to the bishop of
 “ Hereford to be attendant on his bishoprick,
 “ otherwise he would seize of all his tempora-
 “ lities,” Parson’s Counsellor, pag. 82. and
 canon 41. James I. forbids non-residents.

“ This good law principally aimed at three
 “ ends, or effects, viz. That every clergyman
 “ might attend his duty in reading the public
 “ prayers of the church, administering the sacra-
 “ ments, preaching, inspecting the behaviour of
 “ his flock, and performing all sacred and di-
 “ vine offices, like a good and faithful shep-
 “ herd; and I do wonder with what conscience
 “ any clergyman can expect his dues from his
 “ parishioners, that does not perform his duty
 “ in the first place. The second end of this good
 “ law is, to avoid dilapidations in the buildings
 “ belonging to the livings, for you shall seldom
 “ see a non-resident, but he is also a dilapida-
 “ tor, and it is no wonder, that he that neglects
 “ the flock lets the sheepfold run to ruin. The
 “ third end of this good law was to maintain
 “ hospitality; and I would wish every clergy-
 “ man to remember, that the poor have a share
 “ in the tithes with him,” Parson’s Counsellor,
 pag. 79. and by stat. 15. Rich. II. cap. 6. and
 4 Hen. IV. cap. 12.

And by a canon of our own, made in the
 time of king Alfred, it is decreed, that “ the
 “ tithes should be divided into three parts, being
 “ first delivered to the priests, one part to the re-
 “ pairs of the church, another to the poor, and
 “ a third to himself, by all which it appears, that
 “ origi-

“ originally the poor had a share in the tithes,
 “ which plainly implies the clergy were to keep
 “ hospitality, and to be resident, and not wil-
 “ fully absent themselves; for till the 43 of
 “ Elizabeth, the poor were solely under their
 “ care, all must be residents, except those that are
 “ imprisoned without fraud, or removal without
 “ fraud, for health, or not having a house upon
 “ his glebe,” Coke’s Reports, Vol. 6. pag. 21.
 And those accepted that are qualified by stat. 9.
 Edw. II. cap. 8. and 21. Hen. VIII. cap. 13. 25.
 Hen. VIII. cap. 16. 33. Hen. VIII. cap. 28.

It is highly reasonable, that all should be residents upon their livings, for they have the care of soul and body too, and are obliged to visit the poor and rich alike; and if their living will afford it, they should help the poor, when sick, and in want.

One of the chief reasons in the Romish church, why the priests are not allowed to marry, is, They should have no other family but the poor; for in all parts of the world, but our own nation, there is no provision for the poor, but all under the care of the priest; and if they have a family of their own, there will be little care of the poor taken, it is to be feared.

But the chief reason why all ministers should be resident upon their livings, is, to take care of the souls of those committed to their care; to advise those of mature years to live as becomes the gospel of Christ, and to instruct all the youth of their parish, in order to ingraft the principles of christianity in them: And they are bound by

the canon law to catechise every Sunday; the canon runs thus: " Every parson, vicar, or curate, upon every Sunday and holy-day before evening-prayer, shall for half an hour or more, examine and instruct the youth and ignorant persons of this parish, in the ten commandments, the articles of belief, and the Lord's prayer; and shall diligently hear, instruct and teach them the catechism, set forth in the book of common prayer; and all fathers mothers, masters, and mistresses, shall cause their children, servants, and apprentices, which have not learned the catechism, to come to church at the time appointed, obediently to hear, and be ordered by the minister, until they have learned the same; and if any minister neglect his duty herein, let him be sharply reprov'd upon the first complaint, and true notice thereof given to the bishop or ordinary of the place; If after submitting himself he shall willingly offend therein again, let him be suspended; if so a third time, there being little hope he will be therein reformed, then excommunicated, and to remain until he be reformed; and likewise, if any of the said fathers, mothers, masters, or mistresses, children, servants, or apprentices, shall neglect their duties, as the one sort in not causing them to come, and the other in refusing to learn as aforesaid, let them be suspended by their ordinaries (if they be not children) and if they so persist by the space of a month, let them be excommunicated," canon 59.

With

With all reverence to that sacred order, I fear there are too many parishes slighted, and too little care taken to instruct the youth and ignorant; for though it is the indispensable duty of every minister so to do, those that are ignorant, may be ignorant still, for the care that is taken by many to instruct them. But I am persuaded, those that are lost through ignorance, the minister is answerable to God for them, where he takes no care to instruct them: The custom is of late years only to catechise in Lent, as if it were sufficient; will asking for our daily bread, only in Lent satisfy us? If so, catechism only in Lent may; nay, some are so far from instructing the ignorant, when they do catechise, that if those who are catechised are at a loss in their responses, another will be bid to go on, and those whose genius are not so apt as others, may remain in their ignorance, if they are not ready instructed and taught to their hands; by all which it appears, that the catechumens have nothing but the form, without the substance, or intended end of catechising.

There is another culpable and too common practice; that is, the shortning or curtailing of divine service, particularly at the burying of the dead, where oftentimes one half of the service of the church is left out, especially at the burial of the poorer sort. Bishop Sprat in his charge to his clergy, says, "Only in the office of visiting the sick, you are more left to your own liberty," Clergyman's Vade Mecum, pag. 14. and 15. which shews the same liberty ought not

to be used in performing other offices ; and how would any one like to have divine service begun at the second lesson, and leave the rest out ? Would not the congregation think this too great a liberty ? Or, at least, would they not imagine the minister was in haste to be gone ?

I could heartily wish all clergymen to remember, that they have subscribed to the rubric, canons, and articles ; therefore “ he that short-
“ eneth any part of the office of the church, is
“ false to his promise and subscription, and liable
“ to the censure of the ordinary,” Clergyman’s Vade Mecum, pag. 14.

Thus having shewn in what respect the minister may be said to have neglected and slighted the commonality. I come now to my last proposition, (viz.) To shew what the church-wardens are obliged by oath to perform in their parish.

I shall only mention two or three instances wherein the parishioners are principally concerned. The church-wardens are bound by oath to take care that the parsonage-house be kept in good repair, notwithstanding it is often found not fit for the minister to live in ; but let the parsonage-house lie in never so miserable a condition, it is connived and winked at, and presented to be very well and in good order at the visitation, without any regard to the tenor of their oath ; they cannot plead ignorance, since it is part of the minister’s duty to inform, instruct, and advise them in that affair : As for presenting of people
for

for irregularities, they are not so much to blame; as some have insinuated, since they fulfil the contents of their oath in that article, which obligeth them so to do; see canon 26. But what they are too commonly negligent in, is, they do not look into the register, and keep it under their care and charge, as they are by oath bound to do; see the canon concerning registering, which runs thus, viz.

“ In every parish church and chapel within
“ this realm, shall be provided one parchment-
“ book at the charge of the parish, wherein shall
“ be written the day and year of every christen-
“ ing, wedding and burial, which have been in
“ that parish, since the time the law was made
“ in that behalf, so far as the ancient book there-
“ of in that behalf can be procured, but especi-
“ ally since the beginning of the reign of the late
“ queen; and for the safe-keeping the said book,
“ the church-wardens, at the charge of the pa-
“ rish, shall provide one sure coffer, with three
“ locks and three keys, whereof the one to re-
“ main with the minister, and the other two
“ with the church-wardens, severally, so that
“ neither the minister without the church-war-
“ dens, nor the church-wardens without the
“ minister, shall at any time take that book out
“ of the said coffer; and henceforth upon every
“ sabbath-day, immediately after morning or
“ evening prayer, the minister and church-
“ wardens shall take the said parchment-book
“ out of the said coffer, and the minister, in
“ presence of the said church-wardens, shall

“ write and record in the said book, the names
“ of all persons christened, together with the
“ names and surnames of the parents ; as also
“ the names of all persons married and buried
“ in that parish in the week before, and the day
“ and year of every such christening, marriage,
“ and burial ; and that done, they shall lay up
“ the book in the coffer as before, and the
“ minister and church-wardens unto every page
“ of that book, when it shall be filled with such
“ inscriptions, shall subscribe their names ; and
“ the church-wardens shall once every year,
“ within one month after the five and twentieth
“ day of March, transmit unto the bishop of the
“ diocese, or his chancellor, a true copy of the
“ names of all persons christened, married, or
“ buried in their parish the year before, (ending
“ the said five and twentieth day of March) and
“ the certain days and months in which every
“ such christening, marriage, and burial, was
“ had, to be subscribed with the hands of the
“ said minister and church-wardens, to the end
“ the same may faithfully be preserved in the
“ register of the said bishop ; which certificate
“ shall be received without fee ; and if the
“ minister or church-wardens shall be negligent
“ in performance of any thing herein contained,
“ it shall be lawful for the bishop, or his chancellor,
“ to convene them, and proceed against
“ every of them as contemners of this our constitution.”

Perhaps it may be thought, I have made too
severe a scrutiny into the office of the church-
wardens,

wardens, in charging them with neglect of their duty (to say no worse) in not taking the register into their custody and keeping. I do assure the reader, it is not out of the least disrespect to the office, or any personal prejudice, but on account of many complaints of great inconveniencies which have often arisen by the clerk's having the register in his keeping; for it is not the clerk's business to register, neither to have it in his custody; but it may be objected, that all persons may have recourse to him, to search at their will and pleasure; whereas if it were locked up in a chest, any person, that wanted to see it, could not have access to it at all times.

To which I answer, That a sight of the register may be easily procured from the churchwardens; and I dare venture to say, there is less danger of its being lost.

Many other instances might be given of parishes and persons who have suffered by miscarriages of the like nature. But, I hope, I have said enough to any person that considers the validity of an oath, and makes conscience of it in the discharge of his office; and I can assure every candid and impartial reader, that I have a great veneration for the clergy, particularly the hierarchy of the church of England, as by law established, although I am an unworthy member thereof; notwithstanding which, I cannot but regret the many hardships (daily complained of) and sufferings many poor families have undergone by some of the subordinate officers of the church; and too often, it is to be feared, by the
conni-

connivance of their masters ; whose displeasure I chuse rather to run the hazard of, than to see my countrymen, neighbours, and fellow-subjects imposed upon, and shamefully oppressed, under the specious pretence of just and legal dues, (when they have no right or lawful authority to demand them) and the assessors many times proportion them according to their partial affections and inclinations ; which plainly implies they have no real standard-law to frame their pretensions by ; notwithstanding their bugbear-threats of a citation in Doctor's-Commons, to oblige people to pay according to their table of fees.

But any unbiaſſed person may easily discern their prejudice against me proceeds from my having confronted their measures, and because I thus publicly complain of their illegal practices ; but as it is impossible to please every one, I have not been solicitous to do it, nor yet endeavoured to displease ; but, according to my poor ability, have laboured to undeceive some, who have taken it for granted, that “ all vestry determinations, “ and parochial imposts, are lawful ;” and for the sake of those I have taken these pains, to shew wherein they have been mistaken, and how far their property and privileges have been thereby invaded : and I hope, many will find some use and benefit by this abstract of my thoughts, and kindly accept my endeavours to inform them, which I have done with as much plainness and brevity as I could ; and as I shall always prefer the interest of the public to my own, I shall think myself over and above recompensed for my pains,
if

if the reader may draw some use from what is already written; which, if he does, it may perhaps encourage me to venture again on a larger treatise; in the mean time, I beg a gentle censure for the faults I may have overlooked, through want of time, and hurry in my daily vocation, which will abundantly satisfy me, who am ready to answer for this undertaking, and that, maugre all the opposition of my enemies.

A P P E N D I X.

SINCE my first setting out, in order to perform the task I had promised, I find some remarkable passages, dispersed among the diverse authors I have peeped into touching burying in churches, which, at my first putting pen to paper, I had no thoughts to have concerned myself with; but it being thought that it might, in many circumstances, be of use to the public, I was importuned to publish the same, by way of Appendix or Postscript, to let people know how far we have deviated from the customs used in the days of old, when the churches were esteemed so sacred, that none were allowed to be buried in them; “ for the archbishops of Canterbury were not permitted a burying-place in that cathedral, till Cuthbert archbishop of that see obtained licence from the king, that the archbishops might be buried in the cathedral church

“ church at Canterbury,” Parson’s Counsellor, pag. 175.

“ If a man is qualified to have a seat in such
 “ an isle or choir of the church, as being pos-
 “ sessed of an ancient messuage, he may prescribe
 “ to that messuage, to have the sole burial in
 “ such isle, choir, or place in the church,” Coke’s
 Entries, pag. 8. “ It is as much simony to sell
 “ the ground of the church, as it is to sell
 “ the ground of the church-yard, for the mo-
 “ ney that is paid for the breaking up the soil of the
 “ church, is only for breaking the floor,” Par-
 son’s Counsellor, pag. 176. “ And any body may
 “ be buried in any common part of the church
 “ or chancel, paying the accustomed fee to the
 “ parson for breaking up the soil, which for the
 “ most part is three shillings and four-pence in
 “ the church, and six shillings and eight-pence
 “ in the chancel,” Parson’s Counsellor, pag. 176.
 But the common practice in most places is, be-
 sides paying for the ground, to pay three or four
 times double fees (as they call them) for per-
 forming the office of the church, in burying the
 dead in the church, than in the church-yard ;
 although no larger offering is required in the
 church than is in the church-yard ; but “ let the
 “ church be for the living, and the church-yard
 “ for the dead.”

Add to this, the great abuse there is commit-
 ted touching the seats in the church ; I shall lay
 it down as I find it in unquestionable authors,
 (viz.) “ The church-wardens with the appro-
 “ bation of the rector, can dispose of the com-
 “ mon

“ mon seats built at the charge of the parish,
“ and place the parishioners therein, according
“ to their degree and quality,” Parson’s Coun-
fellow, pag. 172, 173. “ Those that stand pos-
“ sessed of a messuage in fee-simple, or messu-
“ ages; and the more a man is possessed of in
“ the parish, the higher his seat must be; but
“ it is not to the man, but to the lands the
“ seats are due, in consideration that the lands
“ are chargeable to the repairs of the church,
“ and the maintenance of the minister, and the
“ poor, and all other parish charges: these of
“ right have a seat, or a whole seat: Accord-
“ ing to their possessions of lands in the parish,
“ so are their seats in the church, without be-
“ ing placed by the bishop, ordinary, or
“ church-warden, those that are placed by the
“ church-wardens, or any other person, must
“ be in consideration of what they pay to the
“ repairs of the church, and the minister’s
“ maintenance, and other parish charges; and
“ the bishop cannot grant a licence to a man
“ to have a seat, but in consideration of his
“ lands.” Roll’s Reports, vol. 2. pag. 288.
“ Neither can the bishop place any body in the
“ seats that belongs to houses,” Parson’s Law,
pag. 113.

And in Effington’s case of Wandsworth in
1718, it was in consideration of his lands, that
the bishop granted him a faculty for a seat in the
church; and Sir Simon Degge saith, “ That the
“ law is now settled in this case; that a man that
“ is owner of an ancient messuage, might pre-
“ scribe

“ scribe for a seat in any part of the parish church, “ within which parish such messuage stands,” Parson’s Counsellor, pag. 174. and this was settled by the judges of the King’s bench, and afterwards affirmed in a writ of error in the Exchequer-Chamber, Syderfin’s Reports, pag, 88, 89. But there is a strange practice in the church, at this time, in some places : where the church-wardens will sell a man a seat in the church for his life, (a very pretty piece of simony !) and in other places let them out by the year ; and as the church is sold to the best bidder, it is to be feared that such mercenaries would sell their Saviour, if upon earth, for money ; but I leave the reader to judge of the heinousness of their crime in so doing.

As I have in some measure shewn the unconscionable impositions of too many of the clergy, church-wardens, and parish clerks, and thought it absolutely necessary to let the reader know, how obnoxious such arbitrary and illegal proceedings are in the eye of the law ; I now think, every man will be roused up to vindicate his own property against oppressors, both for his own sake and for the benefit of the poor ; for it cannot but affect every honest man to see his poor neighbour, labouring under narrow circumstances to maintain a large family, wrecked and harassed by a gang of mercenaries ; or a poor widow left with four or five children, and not bread sometimes to eat ; who have made away with the greatest part of her effects for sustenance ; nevertheless these officers, if they perform
an

an office, must have their fees, (as they call them) if she is obliged to sell the bed from under her, and go a begging from door to door, as too many have by such oppression been forced to do, to satisfy their exorbitant demands: but if by begging and praying to the church-wardens, you can get the ground of them to bury a corps, notwithstanding that, you must make your application to the minister and clerk, and beg their fees, though there is none due, as I could ever find; and after all this trouble of begging and praying, and laying out your calamitous circumstances before them, you may perhaps at last (after waiting their leisure) obtain leave to bury your dead, although the funeral service, if performed, is generally curtailed and galloped over, as if the soul of the deceased was of the less value, because he died poor: But if you are determined to protest against such irregular and undue proceedings, you must take care to make your offering to the minister, immediately after the office is performed, that is, You must give him somewhat for performing of the office; if it be but a penny, it is an offering, and will endemnify you; for was he to sue you afterwards for his fee, (as they call it) he is punishable by the statute of 25 of Edw. III. which was confirmed by the 13 Rich. II. chap. 2, 3. The penalty of this act is, "They forfeit all their
" lands, livings, goods, and chattels, and suffer
" perpetual imprisonment;" or you may have a Mandamus from the King's-bench, to make them shew cause, why they demand the money, and there they must be obliged to shew by what law they

they demand the money. But as for the clerk, he has neither offering or fees of any kind whatsoever due: And you may have a Mandamus against the church-wardens for their demands, either for the use of the bell, or any thing else belonging to the church: But as for the ground of the church-yard, you must bring your Mandamus against the minister, for selling or suffering it to be sold; for although it is his, you may indict him for simony, either in the ecclesiastical court, or at common law for the same; and if you prove a minister guilty of simony, you may deprive him of his living.

Thus I have explained as concisely as I could, the heinousness of exacting and imposing parish fees, and the means to prevent them for the time to come, that neither we nor our posterity may be any longer deluded under the specious pretences of parochial laws, that never had the sanction of the legislature, (The city of London in 1682, lost their lands, and all their liberties, for raising money without consent of parliament, for so doing, till given again by James II.) but are often hatched in a vestry to impose on the poor for the benefit of good living in a tavern.

F I N I S.

Ex. J. H.